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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,659	03/17/2004	William Charles Collard	COLLARD ET AL.- 1	2658

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WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

SUHOL, DMITRY

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,659	COLLARD ET AL.	
	Examiner	Art Unit	
	Dmitry Suhol	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, there is no antecedent basis for "said front cover".

Regarding claim 15, the claim requires at least one additional puppet and is dependent from claim 1, however claim 1 already claims a plurality of puppets. Therefore it is not clear if applicant intend to claim at least one additional glove or indeed more puppets on the already claimed glove with another line attached to another puppet. For purposes of examination it is assumed that applicants intend to claim additional gloves.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-10, 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma '456 in view of Cabrera '028. Gemma discloses a device for telling stories containing most of the elements of the claims including with respect to claim 1, a book (11), a container coupled to the book (box 1), at least one glove (8) and a plurality of puppets (10) coupled to and formed integral with the glove (col. 3, lines 11-26). The puppet being in the form of a glove containing at least two finger puppets, as required by claim 13, is shown as glove (8) in figure 4 and in finger puppets (10) in figure 3. Puppets relating to a story from the book, as required by claim 14, are described in col. 3, lines 46-49. An extension in the form of a stage, as required by claim 16, is shown as stage 13 in figure 1. A stage comprising a bottom section, at least one side and a top section, as required by claim 17, is shown in figure 1. A book comprising a front and back cover, as required by claims 19 and 20, is inherent in the book and wherein the stage is coupled to the front and back cover of the book, as also required by claims 19 and 20, is described in col. 3, lines 62-64 (where the stage is considered to be coupled to the front cover through the back cover of the book). A plurality of curtains with at least one curtain coupled to one side section of the stage, as required by claim 18, is shown in figures 1 and 2. A top and bottom section of the stage having folds thereon, as required by claim 21, is shown in figures 1 and 2, where the top stage portion 32 inherently has a fold which allows it to open and close while the bottom portion has a fold between portions 19 and 20 which creates a fold over as shown in figures 1 and 2.

Gemma fails to teach a puppet coupled to the book via a line as required by claim 1 and additional lines and puppets as required by claim 15. However, Cabrera discloses a book and puppet combination where a book (50) is coupled to a puppet (107) through the use of a line (155). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have provided a string coupling connection between the finger puppet and book of Gemma for the purpose of securing the puppet to the book to prevent loss. With respect to the additional gloves/puppets and additional connecting lines as required by claim 15, it would have been obvious to incorporate additional puppets connected through a line to the a book (in view of Cabrera) since the number of puppets to be displayed would only depend upon the number of characters in the story and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding the device utilized in connecting the glove to the book, as required by claims 2-5, Cabrera teaches that it is known to couple a book to a puppet using a string, cable or cord (col. 4, lines 47-51). Therefore it would have been obvious to utilize any of the above coupling means to attach the puppet and book of Gemma since all of the above attachment means are known equivalents. Furthermore, the use of any of the above attachment means is considered to be a design choice since applicants do not disclose any critical need or advantage to any particular attachment means (see applicants specification, page 5, paragraph 0016).

Claims 1-2, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon '521 in view of Baum '209. Solomon discloses a device containing most of the elements of the claims including with reference to claim 1, a book (11), a container coupled to the book (pocket 41) and a plurality of puppets coupled to the book (puppets 21-26) through a line (27). A string, as required by claim 2, is shown as string (27). At least one additional puppet and at least one string, as required by claim 15, are shown as additional puppets (22-26) and strings (27).

Solomon fails to teach that his puppets are coupled to and formed integral with at least one glove as required by claim 1, however Solomon does teach that his puppets can be a variety of puppet types (col. 3, lines 3-6) while Baum teaches that it is known to manufacture puppets coupled and formed integral with gloves (figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to have manufactured the puppets of Solomon being coupled to and formed integral with at least one glove for the purpose of allowing a user the ability to animate the movements of the puppets.

Regarding claim 8, Solomon teaches a front cover with a front and back face (figure 2, cover having pocket 41) with a container being in the form of a pouch (pocket 41) coupled to a face of the cover (figure 2). Solomon fails to teach the pouch on the inside face of the front cover. However, it would have been obvious to place the pouch/pocket of Solomon on the inside portion of the front cover, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Solomon '521 and Baum '209, as stated above, and further in view of Akira (JP 2003-071152. Although Solomon, as modified by Baum, discloses most of the elements of the claims, as stated above, the reference fails to teach a container disposed in the spine of the book as required by claim 6, a container being cylindrical as required by claim 7.

Akira discloses a book which teaches that it is known to manufacture a book with a container (3) coupled to the book (2) for storing puppets where the container is disposed in the spine of the book (figure 1) and has a substantially cylindrical shape (described in the abstract).

Allowable Subject Matter

Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed December 6th, 2005 have been fully considered but they are not persuasive. Applicants first argue that there is no motivation to combine the Gemma and Cabrera references. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Gemma and Cabrera clearly teach story books associated with puppets depicting characters from respective stories. Gemma shows that a glove for coupling finger puppets may be attached to the book to act out the story (figures 1-2 and 5, col. 1-10). Cabrera clearly improves on the connection between a book and associated puppet(s) by teaching a line type connection thereby not only preventing the loss and separation of the book (as well as teaching that glue type of connection like that of Gemma is a known equivalent to a line type of connection, see Cabrera col. 4, lines 41-58) and associated puppet but also a greater degree of movement/freedom. Therefore one with ordinary skill in the art would have certainly looked to the teachings of both Gemma and Cabrera at the time of applicant's invention (as stated above).

Regarding arguments with respect to Cabrera not teaching at least one glove which can be stored in a container and puppets not being finger puppets, the examiner points out that Cabrera is not relied upon to teach such elements since Gemma already teaches them and since Cabrera is only relied upon to teach a line connection between the book and puppet.

Regarding applicants arguments with respect to Solomon and Baum, the examiner points out that although Solomon does not disclose puppets coupled to a glove, he does teach that his puppets can be any variety (col. 3, lines 3-6) while Baum teaches that it is known to manufacture puppets coupled and formed integral with

gloves (figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to have manufactured the puppets of Solomon being coupled to and formed integral with at least one glove for the purpose of allowing a user the ability to animate the movements of the puppets.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol
Primary Examiner
Art Unit 3725

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